

**UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

LINDA C. SEAWOOD	)	
Plaintiff,	)	
	)	CAUSE NO.: 2:21-cv-376
vs.	)	
	)	
NANCY J. MACKIN	)	
Defendant.	)	

**COMPLAINT FOR DAMAGES**

COMES NOW Plaintiff, Linda Seawood, by counsel, **WRUCK PAUPORE PC**, and for her Complaint against the Defendant, Nancy Mackin, states as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff, Linda Seawood (“Plaintiff”), is an individual and is now, and at all times mentioned in this Complaint, was a resident of St. Joseph, Michigan and is a Michigan citizen.

2. Defendant, Nancy Mackin (“Defendant”), at all times relevant to this Complaint was a resident of St. Joseph County, Indiana and is an Indiana citizen.

3. Subject matter jurisdiction and venue is proper in this court pursuant to 28 U.S.C § 1332 as complete diversity of citizenship exists between the parties and the amount in controversy exceeds \$75,000 (seventy-five thousand dollars).

**COMMON ALLEGATIONS**

4. Plaintiff restates and incorporates by reference Paragraphs 1 through 3 as though fully set forth here.

5. On or about December 6, 2019, Plaintiff was traveling in her vehicle north on Grape Road at the intersection of Cleveland, St. Joseph County, Indiana, and was at a complete stop at a red-light.

6. At the same time, Defendant was also traveling north on Grape Road approaching the intersection of Cleveland behind Plaintiff's stopped vehicle.

7. Without any warning, Defendant struck Plaintiff's vehicle, causing significant injury and property damage to Plaintiff and her vehicle.

8. Defendant failed to operate her vehicle safely in accordance with his general duty of care and by Indiana law.

9. Further, the Defendant failed to operate her vehicle safely as was required by the road conditions and by Indiana law at the time of the accident.

10. Defendant was negligent in causing the aforescribed incident and Plaintiff was without fault.

11. According to the investigating police officer, Defendant was cited for Following Too Closely, which was determined to be the primary cause of the accident.

12. Plaintiff has suffered pain, suffering, mental anguish, and loss of enjoyment of her life as the result of the aforescribed December 6, 2019 incident.

13. Plaintiff has also incurred economic loss as the result of the aforescribed December 6, 2019 incident, including, without limitation, hospital, doctor, and other medical expenses and lost work time.

14. Plaintiff's aforescribed injuries, damages, and losses were and are a direct and proximate result of Defendant's negligence.

### **COUNT I- NEGLIGENCE**

15. The Plaintiff restates and incorporates by reference paragraphs 1 through 14 as though fully set forth here.

16. Defendant owed Plaintiff a common law duty of care while driving her vehicle on or about December 6, 2019 and was further obligated to operate her vehicle suitably for the road conditions on the day of the accident.

17. Defendant breached her common law duty of care and applicable Indiana law resulting in the December 6, 2019 incident and Plaintiff's aforescribed injuries.

18. Defendant was negligent and/or negligent *per se* as a matter of law in causing the December 6, 2019 incident.

19. Defendant is liable to Plaintiff for her injuries described herein, as well as for any and all other injuries or damages proximately caused by Defendant's negligence.

20. Plaintiff is entitled to judgment against Defendant in an amount reasonably and fully compensating her for all such injuries and damages.

### **RELIEF**

WHEREFORE, the Plaintiff, Linda Seawood, demands judgment and an award of damages in an amount compensating Plaintiff fully for all injuries described herein and for all other relief just and proper in the premises.

Respectfully submitted,

WRUCK PA/PORE/PC



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**CERTIFICATE OF SERVICE**

I certify that on the December 1, 2021 service of a true and complete copy of the above and foregoing pleading or papers was made upon each party or attorney of record herein by electronic delivery.

BY: \_\_\_\_\_

